

**THE ROSEN LAW FIRM, P.A.**

Phillip Kim, Esq. (PK 9384)

Laurence M. Rosen, Esq. (LR 5733)

275 Madison Ave., 34th Floor

New York, New York 10016

Telephone: (212) 686-1060

Facsimile: (212) 202-3827

Email: lrosen@rosenlegal.com

Email: pkim@rosenlegal.com

[Proposed] Lead Counsel for Plaintiffs and  
Class

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PERRY CIRALU, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL  
PROPERTIES, INC., NICHOLAS S.  
SCHORSCH, DAVID S. KAY, BRIAN  
BLOCK, and LISA MCALISTER,

Defendants.

X

Case No.14-cv-08659 (AKH)

**CLASS ACTION**

**NOTICE OF MOTION OF THE ARCP  
GROUP TO CONSOLIDATE RELATED  
ACTIONS AND FOR APPOINTMENT AS  
LEAD PLAINTIFF AND APPROVAL OF  
COUNSEL**

BERNARD PRIEVER, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL  
PROPERTIES INC., LISA P. MCALISTER,  
and BRIAN S. BLOCK,

Defendants.

X

Case No. 14-cv-08668 (AKH)

**CLASS ACTION**

X

-----X  
STUART RUBINSTEIN, Individually and On  
Behalf of All Others Similarly Situated,

Case No. 14-cv-08669 (AKH)

**CLASS ACTION**

Plaintiff,

vs.

AMERICAN REALTY CAPITAL  
PROPERTIES, INC., BRIAN S. BLOCK,  
LISA MCALISTE and NICHOLAS S.  
SCHORSCH,

Defendants.

-----X  
KEVIN PATTON, Individually And On  
Behalf Of All Others Persons Similarly  
Situated,

Case No. 14-cv-08671 (AKH)

**CLASS ACTION**

Plaintiff,

vs.

AMERICAN REALTY CAPITAL  
PROPERTIES, INC.; DAVID S. KAY;  
NICHOLAS S. SCHORSCH; BRIAN S.  
BLOCK; AND LISA P. MCALISTER,

Defendants.

-----X  
JAMES W. EDWARDS, JR., Individually And  
On Behalf Of All Others Similarly Situated,

Case No. 14-cv-08721 (AKH)

**CLASS ACTION**

Plaintiff,

vs.

AMERICAN REALTY CAPITAL  
PROPERTIES, INC., NICHOLAS S.  
SCHORSCH, DAVID S. KAY, BRIAN S.  
BLOCK and LISA PAVELKA McALISTER

Defendants.

-----X

-X SIMON ABADI, On Behalf Of Himself Case No. 14-cv-09006 (AKH)  
and All Others Similarly Situated,

**CLASS ACTION**

Plaintiff,

vs.

AMERICAN REALTY CAPITAL  
PROPERTIES, INC., NICHOLAS S.  
SCHORSCH, DAVID S. KAY, PETER M.  
BUDKO, BRIAN S. BLOCK, LISA E.  
BEESON, WILLIAM M. KAHANE,  
EDWARD M. WEIL, JR., LESLIE D.  
MICHELSON, EDWARD G. RENDELL, and  
SCOTT J. BOWMAN,

Defendants.

-----X

**PLEASE TAKE NOTICE** that pursuant to Section 21D of the Securities and Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), Heng Kok Lee & You Tick Lee Revocable Living Trust DTD 12/3/99, Stephen Chino and Stephen Tubin, individually and on behalf of all others similarly situated (“Movants” or the “ARCP Group”) do hereby move this Court, the Hon. Alvin K. Hellerstein, United States District Judge for an Order:

- (a) Consolidating the above-captioned related actions;
- (b) Appointing Movants to serve as Lead Plaintiff on behalf of those investors who exchanged their Cole Real Estate Investments, Inc. common stock for ARCP common stock pursuant to a December 23, 2013 merger registration statement; and
- (c) Approving Movants’ selection of The Rosen Law Firm, P.A. as Lead Counsel for the litigation.

In support of this Motion, Movants submit: (1) Memorandum of Law (with exhibits); and

(2) a [Proposed] Order

Dated: December 29, 2014

Respectfully submitted,

THE ROSEN LAW FIRM, P.A

/s/ Phillip Kim

Phillip Kim, Esq. (PK 9384)  
Laurence M. Rosen, Esq. (LR 5733)  
275 Madison Avenue, 34<sup>th</sup> Floor  
New York, NY 10016  
Telephone: (212) 686-1060  
Facsimile: (212) 202-3827  
[pkim@rosenlegal.com](mailto:pkim@rosenlegal.com)  
[lrosen@rosenlegal.com](mailto:lrosen@rosenlegal.com)

[Proposed] Lead Counsel for  
Plaintiffs and Class

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 29<sup>th</sup> day of December, 2014, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/Philip Kim